

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DONNA R. BRANDT,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-23-1163-R
)	
CIMARRON CORRECTIONAL FACILITY, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is United States Magistrate Judge Amanda Maxfield Green's Report and Recommendation [Doc. 14] to dismiss Ms. Brandt's Amended Complaint [Doc. 6]. Ms. Brandt subsequently filed a pleading that the Court construes as an Objection [Doc. 16]. Finding the Recommendation sound and Ms. Brandt's Objection devoid of substantive responses to the issues identified in Magistrate Judge Green's report, the Court ADOPTS the Recommendation in its entirety.

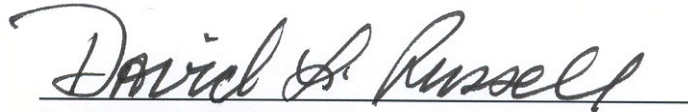
As discussed in the Report and Recommendation, Ms. Brandt's Complaint does not plausibly allege claims against any of the Defendants with sufficient detail or clarity. Doc. 14 at 4-5. Ms. Brandt's Objection is brief and does not address the above issues by clarifying her claims or providing any additional information. Thus, the Recommendation is ADOPTED.

Ms. Brandt uses her Objection to request the Court appoint her an attorney due to her financial inability to retain counsel. Doc. 16. The Court declines to do so. Ms. Brandt does not have a right to an attorney in her civil action against Defendants. *Jolliff v. Corr.*

Corp. of Am., CIV-14-841, 2015 WL 2090187 at *2 (W.D. Okla. May 1, 2015), *aff'd*, 626 F. App'x 783 (10th Cir. 2015). While the Court is empowered with discretion to appoint counsel pursuant to 28 U.S.C. § 1915(e), the movant holds the burden “to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel.” *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985). Given the Court’s dismissal of Brandt’s case for failure to state a claim, appointing counsel is unwarranted.

Accordingly, Plaintiff Brandt’s claims are DISMISSED WITHOUT PREJUDICE. To the extent Plaintiff’s Objection is construed as a separate motion for appointed counsel, it is DENIED.

IT IS SO ORDERED this 25th day of April 2024.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE